

**State of California
Department of Resources Recycling and Recovery**

**Public Hearing to Consider
The Completion of Compliance Order IWMA BR07-07
For the City of Ridgecrest, County of Kern**

May 21, 2013
10:00 AM
Byron Sher Auditorium

I. ISSUE

The City of Ridgecrest (City) has reported to the Department of Resources Recycling and Recovery (CalRecycle) its successful completion of all the requirements stipulated in Compliance Order IWMA BR07-07 (original Compliance Order Attachment 1 and modified Compliance Order Attachment 2). The City presented its progress through its 2011 annual report and its quarterly reports required by the Compliance Order. In addition, CalRecycle staff (staff) has conducted several site visits to the City to verify program implementation. Staff's most recent site visit was in April 2013 (Attachment 3).

Public Resources Code 41850 and the Compliance Order require CalRecycle to hold a public hearing to determine if the City has complied with all of the conditions and requirements of the Compliance Order.

II. ITEM HISTORY

(Note: this is a summary. Further discussion is provided within the Analysis section.)

September 19, 2007, the California Integrated Waste Management Board {Board} (predecessor of the Department of Resources Recycling and Recovery – [CalRecycle]), issued Compliance Order IWMA BR07-07 to the City of Ridgecrest. The issuance was based on the City's lack of diversion programs, failure to adequately implement its existing diversion programs, and a lack of good faith effort.

March 24, 2009, the Board held a public hearing and imposed a \$47,580 penalty for failure to fully implement the Compliance Order requirements and the City's Local Assistance Plan (LAP) (Attachment 4). Of this amount, \$20,000 was due immediately and the remaining balance of \$27,580 was held in abeyance. The Board also modified the Compliance Order and required the City to submit an amended LAP. On May 29, 2009, the City submitted an amended LAP.

April 27, 2010 the City requested a Time Extension from January 4, 2010 to December 31, 2010 to fully implement the LAP, followed by a one year monitoring

period ending on December 31, 2011. On June 17, 2010, CalRecycle approved the Time Extension.

November 18, 2010, the City requested a 90-day Time Extension. However, the request was not properly submitted. On January 7, 2011, the City amended the November 18, 2010 request. The amendment requested a Time Extension from December 31, 2010 to April 30, 2011 to complete implementation of the LAP followed by a one year monitoring period ending on April 30, 2011. The City was seeking additional time to address components of the LAP that were not fully implemented.

April 29, 2011, the City submitted an amendment to the January 7, 2011 Time Extension request. The amendment revised the timeline from April 30, 2011 to December 31, 2011 followed by the monitoring period ending December 31, 2012. On May 6, 2011, CalRecycle approved the Time Extension.

October 18, 2011, the City requested a modification of the LAP due to costs associated with a landfill drop-off location for recyclables. In lieu of a landfill drop-off location, the City requested to expand the recycling drop-off location at the City's Corporate Yard. On October 27, 2011, CalRecycle approved the City's request to modify the LAP and further stipulated that the City submit monthly progress reports through December 31, 2012.

III. OPTIONS FOR CONSIDERATION

1. Find that the City of Ridgecrest has fully implemented the requirements of Compliance Order IWMA BR07-07; and that CalRecycle terminate the \$27,580 penalty held in abeyance.
2. Direct staff to modify Compliance Order IWMA BR07-07 to reflect additional programs that the City of Ridgecrest would need to implement. Direct staff to work with the City to extend the overall timeframe of the Compliance Order.
3. Find that the City of Ridgecrest failed to meet the requirements of the Compliance Order and is non-compliant. Direct staff to schedule a public hearing to consider fining the City for failing to comply with the Compliance Order.

IV. STAFF RECOMMENDATION

Staff recommends Option 1: Find that the City of Ridgecrest has fully implemented the requirements of Compliance Order IWMA BR07-07; and that CalRecycle terminate the \$27,580 penalty held in abeyance.

Approval of the completion of the City's Compliance Order will commence the transfer of the City from the Jurisdiction and Product Compliance Unit (JPCU) back to the Local Assistance and Market Development (LAMD) Branch. LAMD will review the City in the next two-year cycle, 2016, which commences with the submission of the 2014 and 2015 annual reports. LAMD will continue to monitor the City's program implementation.

This will provide CalRecycle with the ability to monitor the City's overall efforts to

continue implementing programs. This does not impact CalRecycle's ability to exercise its option to review the City's efforts at any time, should an independent compliance review by JPCU be warranted (PRC Section 41825(b)).

V. ANALYSIS

On September 19, 2007, the California Integrated Waste Management Board {Board} (predecessor of the Department of Resources Recycling and Recovery – [CalRecycle]), issued Compliance Order IWMA BR07-07 to the City of Ridgecrest. The issuance was based on the City's lack of diversion programs, failure to adequately implement its existing diversion programs, and a lack of good faith effort.

Subsequent to the issuance of the Compliance Order, a LAP was developed and adopted by the City Council. The LAP was developed in coordination with staff and was submitted as the City's plan to implement programs and tasks to meet the Compliance Order requirements.

Public Hearing for Failure to Implement Compliance Order Requirements

On March 24, 2009, the Board held a public hearing and considered imposing penalties against the City of Ridgecrest and considered potential modifications to the existing compliance order. The Board determined, based on the evidence presented at the hearing that the City of Ridgecrest failed to comply with Compliance Order IWMA BR07-07 and failed to make a good faith effort to implement its Source Reduction and Recycling Element (SSRE). The Board ordered the following penalties and other actions pursuant to Public Resources Code Section 41850:

- Imposition of a one-time penalty in the amount of \$47,580 for failure to meet the terms of the compliance order. Of this amount, \$20,000 was due immediately and the remaining balance of \$27,580 was held in abeyance.
- Required the City to submit a revised and fully executed LAP by May 29, 2009, that included all of the tasks in the existing LAP with revised dates, and the new tasks the City indicated they would add.
- Required the City to fully implement the LAP by January 4, 2010.
- Required the City to revise the LAP to include a one year monitoring period ending on January 4, 2011.

In response to the public hearing, the City submitted their revised and fully executed LAP on May 29, 2009 and paid the \$20,000 penalty on June 9, 2009.

Time Extension 1

On April 27, 2010 the City requested a Time Extension from January 4, 2010 to December 31, 2010 to complete full implementation of the LAP followed by a one year monitoring period ending on December 31, 2011. On June 17, 2010, CalRecycle approved the Time Extension.

Time Extension 2

On November 18, 2010, the City requested a 90-day Time Extension. However, the request was not properly submitted. On January 7, 2011, the City amended the November 18, 2010 request. The amendment requested a Time Extension from December 31, 2010 to April 30, 2011 to complete implementation of the LAP followed by a one year monitoring period ending on April 30, 2011. The City sought additional time to address components of the LAP that were not fully implemented. The City focused on:

- Task 2: Public Outreach and Education Program.
- Task 4: Establish Mandatory Commercial On-Site Collection of Recyclables.
- Task13: Develop and Expand Recycling Programs at Ridgecrest/Inyokern Sanitary Landfill (Landfill Self-Haul Drop-Off Program).

As staff analyzed the request, the City advised staff of potential additional modification to the Time Extension request. This interaction resulted in a delay of a final determination by staff.

Time Extension 3

On April 29, 2011, the City submitted an amendment to the January 7, 2011 Time Extension request. The amendment revised the timeline from April 30, 2011 to December 31, 2011 followed by a monitoring period ending December 31, 2012. On May 6, 2011, CalRecycle approved the Time Extension.

LAP Modification

October 18, 2011, the City requested a modification of the LAP due to costs associated with a landfill drop-off location for recyclables. In lieu of a landfill drop-off location, the City requested an expansion of the recycling drop-off location at the City's Corporate Yard. CalRecycle approved the City's request to modify the LAP on October 27, 2011. CalRecycle further stipulated that the City submit monthly progress reports through December 31, 2012.

Based on approval of Time Extension 3, the Compliance Order [Section 3.1] required the City to fully implement the LAP by December 31, 2011, followed by a one-year monitoring period ending December 31, 2012. The City adopted its LAP, and staff monitored the City's progress to ensure full LAP implementation by December 31, 2012.

On January 22-24, 2013, and April 11-12, 2013, staff visited the City to conduct final evaluations of the City's diversion programs.

Existing Jurisdiction Conditions:

The City of Ridgecrest was incorporated as a city in 1963. It is located in the Indian Wells Valley in northeastern Kern County (County), California, adjacent to the China Lake Naval Air Weapons Station (NAWS).

Key Jurisdiction Conditions				
Calculated Disposal Rate (Lbs/person/day)		Waste Stream Data		
<i>50% per Capita Disposal Target (2006)</i>	<i>2011</i>	<i>Population (2011)</i>	<i>Non-Residential Waste Stream Percentage(2006)</i>	<i>Residential Waste Stream Percentage(2006)</i>
5.5	5.1	27,768	65%	35%

Staff's Assessment

After analyzing the City's reports and monitoring the City's program development, CalRecycle staff believes that the complete implementation of both the LAP and SRRE programs has allowed the City to effectively achieve all reasonable and feasible diversion. The Jurisdiction Waste Diversion Program and Diversion Rate Summary (Attachment 5) reflects the 37 programs that the City is reporting through the 2011 annual report. The City staff intends to continue to implement, monitor, and improve all programs.

<i>Conduct New Waste Generation/Characterization Study and Establish New Base Year</i>	<p><i>Implemented</i></p> <p>The Compliance Order required the City to conduct a new waste generation/characterization study and establish a new base year. LAMD staff assisted the City with its 2006 New Base Year (NBY) generation study and provided the City with the results of its research and asked the City to complete the remainder of the research by adding specific information. The City did not complete the NBY by September 30, 2008 as required within the Compliance Order.</p> <p>Following a non-compliance hearing on March 24, 2009, the City revised the LAP and indicated they would hire a consultant to complete the NBY. The City submitted the NBY on July 15, 2009. LAMD staff reviewed and recommended deduction of tonnages included in the NBY due to the fact that the tonnages were from years prior to the 2006 NBY. On November 17, 2009, the Board approved and adopted the final NBY, resulting in a 35 percent (35%) diversion rate for 2006.</p>
<i>In late 2011, the City changed its franchise hauler to Waste Management (WM), Inc. The following summarizes program efforts that the City has implemented since the hiring of a new franchise hauler.</i>	
<i>Public Outreach/Education</i>	<p><i>Implemented</i></p> <p>The City developed outreach and educational material to improve both commercial and residential diversion efforts. The City worked with staff providing the opportunity to suggest further improvements to the City's website and written materials.</p>

	<p>Outreach and education to residential and commercial customers via the franchise hauler's website, flyers, newsletters, press releases, and phone calls is on-going. Some of the more effective efforts have included:</p> <ul style="list-style-type: none"> ○ Waste Management Reminds You to Recycle! Flyer <ul style="list-style-type: none"> ▪ A list of recyclable items ▪ Information on the Sharps Home Delivery Program ○ Be 'green' for the holiday tree recycling <ul style="list-style-type: none"> ▪ List of acceptable recyclable materials ▪ Mini-Recycling Center and Green Waste Drop-Off site ○ Community Cleanup event was featured in the 2012 Spring Waste Management newsletter. <p>Staff's assessment is that this program is effective.</p>														
<i>Maintain Existing Greenwaste Efforts</i>	<p><i>Implemented</i></p> <p>The City has maintained greenwaste efforts. When possible, the City grasscycles and the County chips and grinds the wood waste at the landfill and uses it on the landfill slope.</p> <p>The City has adopted a Landscape Conservation Ordinance which includes Water Efficient Landscape Requirements, to reduce the amount of greenwaste, from non-desert plants. Additionally, a 30-yd greenwaste roll-off bin is placed at the Mini-Recycling and Drop-Off Center for residents to self-haul their greenwaste.</p> <p>Staff's assessment is that this program is effective.</p>														
<i>Establish Mandatory Commercial On-Site Collection of Recyclables</i>	<p><i>Implemented</i></p> <p>The City reports that 417 commercial accounts subscribe to waste services. This number does not include the water district, County facilities and the school district facilities. Of the 417 accounts, 334 subscribe to commercial recycling, an 80% participation rate.</p> <p>The number of accounts and size of containers include:</p> <table border="1"> <thead> <tr> <th>Number of Accounts</th><th>Type of Containers</th></tr> </thead> <tbody> <tr> <td>53</td><td>96 gallon toter</td></tr> <tr> <td>9</td><td>1-yd bin</td></tr> <tr> <td>37</td><td>1.5-yd bin</td></tr> <tr> <td>1</td><td>2-yd bin</td></tr> <tr> <td>225</td><td>3-yd bin</td></tr> <tr> <td>9</td><td>6-yd bin</td></tr> </tbody> </table>	Number of Accounts	Type of Containers	53	96 gallon toter	9	1-yd bin	37	1.5-yd bin	1	2-yd bin	225	3-yd bin	9	6-yd bin
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	<p>The franchise hauler has implemented a bin tagging program to identify issues observed in recycling and waste bins. Tagged bins do not get picked up and customers are contacted and educated about recycling and how not to contaminate the recycling and waste bins. The City is reporting an overall lower trend in bins tagged for contamination resulting in increased collection of recyclables.</p> <p>Staff observed minimal trash contamination in the commercial recycling. This is further supported by staff's observations of minimal trash in the collected recyclables delivered to Dave Pearson's Recycling Center (Pearson's) by the franchise hauler prior to the transfer of the materials to the franchise hauler's Sun Valley, California Materials Recovery Facility (MRF) for final processing.</p> <p>There are recyclables still remaining in the waste stream; however, there has been a significant decrease during the monitoring period.</p> <p>Staff's assessment is that this program is currently effective. Continued outreach and education will be necessary to maintain and further improve overall diversion.</p>								
<i>Establish Curbside Residential Recycling</i>	<p><i>Implemented</i></p> <p>The City established a voluntary residential curbside recycling program. Residents have the option to subscribe to curbside service or to self-haul their recyclables and/or waste.</p> <p>The City reports that 7,089 residential accounts subscribe to curbside service. Of these, 6,498 subscribe to residential recycling, a 91.66% participation rate.</p> <p>The number of accounts and size of containers include:</p> <table><tr><th>Number of Recycling Accounts</th><th>Size of toters</th></tr><tr><td>18</td><td>35 gallon</td></tr><tr><td>20</td><td>64 gallon</td></tr><tr><td>6, 460</td><td>96 gallon</td></tr></table> <p>For the last quarter of 2012, the City reported that no recycling toters were tagged for contamination; indicating that residents were not depositing trash in their recycling toters.</p> <p>Staff's observed minimal trash contamination in the residential recycling. This is further supported by staff's observations of minimal trash in the collected recyclables delivered to Pearson's by the franchise hauler prior to the transfer of the materials to the franchise hauler's Sun Valley, California MRF for final processing.</p>	Number of Recycling Accounts	Size of toters	18	35 gallon	20	64 gallon	6, 460	96 gallon
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	<p>Recyclables in residential trash loads have significantly decreased during the monitoring period due to increased residential recycling as well as increased outreach and education.</p> <p>Staff's assessment is that this program is effective.</p>
<i>Materials Recovery Facility Feasibility Study</i>	<p><i>Implemented</i></p> <p>The City hired a contractor to conduct a Materials Recovery Facility Feasibility Study. The contractor studied the feasibility of building a MRF, or a transfer (trans-load) facility in the City. At the time the study was conducted, recyclable materials were being hauled to the Tehachapi MRF, which is approximately 70 miles away from Ridgecrest. The study included a cost analysis for each of the options, and concluded that building a MRF within the City was not economically feasible. The study also concluded that hauling the materials to the Tehachapi MRF was the least expensive method.</p> <p>Completion of the study met the requirements outlined in the Compliance Order.</p>
<i>Community Cleanup Events</i>	<p><i>Implemented</i></p> <p>The City continues to conduct community clean-up events three times a year to collect abandoned items such as white goods, trash, metals, tires, cardboard, construction and demolition (C&D) etc. These events are also used to educate residents about recycling at home and work.</p> <p>Residents are encouraged to bring their unwanted materials to these events. The City reports over 23 tons of material was collected in 2012.</p> <p>The franchise hauler reports one of the three Community Cleanup events in 2012, the Ridgecrest Inner City Children's Initiative Cleanup, diverted 5.07 tons of C&D materials.</p> <p>Staff assessment is that this program is effective.</p>
<i>On Campus Recycling at Educational Institutions</i>	<p><i>Implemented</i></p> <p>The City has a cooperative partnership with the local school district and community college to implement waste diversion programs. The schools have been provided with recycling presentations and educational materials promoting recycling to both schools staff and students. The City is working with the Sierra Sands Unified School District to develop an ongoing program of awareness and participation.</p> <p>JPCU staff observed recycling bins at the elementary, middle</p>

	<p>and high schools within the City of Ridgecrest. The bins contained recyclables such as: newspaper, paper, plastics and cardboard.</p> <p>James Monroe Junior High (middle school) has an additional program in which students collect the California Redemption Value (CRV) -value recyclables and turn them in for cash. The cash is used to buy items for the school, itself.</p> <p>Staff's assessment is that this program is effective.</p>
<i>City Government Recycling</i>	<p><i>Implemented</i></p> <p>The City has placed recycling bins and in-office mini-bins to facilitate collection of recyclables at City Hall, Civic Center, and City off-site facilities. The City has also contracted with a private paper shredding contractor (Shred-It) to facilitate the recycling of confidential paper and plastics. The City is also reporting usage of its own C&D material for road base and other projects, as needed.</p> <p>Staff's assessment is that this program is effective.</p>
<i>Establish On-Site Newspaper Collection</i>	<p><i>Implemented</i></p> <p>Staff observed recycling bins at the largest newspaper generators (Ridgecrest Independent and News and Review). Staff observed that newsprint was being recycled by the News and Review. However, a full evaluation of the Ridgecrest Independent could not be completed due to the bins being locked.</p> <p>Staff was unable to fully evaluate this program.</p>
<i>Establish Mini-Recycling Center and Drop-Off Facility at the City's Corporate Yard</i>	<p><i>Implemented</i></p> <p>The City established a Mini-Recycling Center and Drop-Off Facility at the City's Corporate Yard. The facility has a banner and information as to what items can be recycled and in which bins to place the recyclables. The site consists of a drive-through area with two (2) six-yard (6-yd) bins for mixed recyclables and one (1) thirty-yard (30-yd) roll-off for greenwaste.</p> <p>Staff continues to observe some residents, who self-haul, dispose recoverable recyclables at the Ridgecrest Recycling and Sanitary Landfill (County Landfill). The City may want to evaluate additional means to capture and divert these recyclables.</p> <p>Staff's assessment is that this program can be more effective.</p>

<i>Develop and Expand Recycling Programs at Ridgecrest Recycling and Sanitary Landfill</i>	<p><i>Program Eliminated. (CalRecycle approved eliminating this program on October 27, 2011.)</i></p> <p>The City, in good faith, negotiated with the County to establish a recycling drop-off center at the County Landfill. However, the cost to operate the drop-off and recycling center was determined to be prohibitive in light of the City's budget constraints.</p> <p>The City implemented an alternative to the drop-off and recycling center at the County Landfill by expanding the Mini-Recycling and Drop-Off Center at the City's Corporate Yard facility.</p>
<i>Expand the City's "Green" Procurement Policies</i>	<p><i>Implemented</i></p> <p>The City passed Administrative Policy 2010-2 Recycled Products Purchasing and Procurement Policy on January 13, 2010. Staff has obtained a copy of the policy.</p> <p>The City reports purchase and use of recycled and environmentally preferred products to the extent it does not impact operational efficiency.</p> <p>Staff's assessment is that the City is implementing its 'green' procurement policy.</p>
<i>Quarterly and Annual Reporting</i>	<p><i>Implemented</i></p> <p>The City maintained its Compliance Documentation Binder and has submitted all required reports on time.</p>
<i>Additional Efforts Implemented by the City Outside of the Compliance Order</i>	
<i>China Lake Naval Air Weapons Station (NAWS)</i>	<p>The City continues to provide NAWS with assistance as requested. NAWS has a mini-MRF and captures the following materials for diversion;</p> <ul style="list-style-type: none"> • C&D • Cardboard • Metals • Paper • CRV <p>Note: due to Federal contracting NAWS is serviced by a different hauler.</p>
<i>Multi-Family Efforts</i>	<p>The City through their franchise hauler has placed recycling bins at most multi-family complexes throughout the City.</p> <p>Due to the transient nature of the multi-family sector, it is generally difficult to manage and maintain.</p>
<i>Bulky Items Pickup Program</i>	<p>In addition to the Community Cleanup events, residents are offered three bulky collections annually. This has been an</p>

	effective way for residents to have appliances, furniture, tires, carpets, mattresses, etc. picked up.
<i>Sharps Home Delivery Program</i>	Residents are offered free sharps containers to dispose of needles. The kits are mailed to residents and when full, they are mailed back to the franchise hauler for proper handling.
<i>Holiday Tree Collection Program</i>	The City's franchise hauler established a new program to collect holiday trees the first two weeks in January of every year and to take the trees to be recycled. The City is reporting 13.35 tons of holiday trees were collected for recycling in 2012.
<i>Community Battery Drop-Off Recycling Program</i>	There are three locations within the city collecting used household batteries. When the buckets are full, the franchise hauler collects them for recycling.
<i>Lamptracker Program</i>	The franchise hauler provides all City facilities packaging containers to ship waste fluorescent lighting for proper handling. The City's franchise hauler is reporting one half (0.5) ton of fluorescent lighting received for recycling through this program in 2012.
<i>Recyclebank program</i>	This online membership program provides residents the opportunity to sign up to implement a 'green' lifestyle. By following certain 'green' actions, they earn points redeemable at participating local and national businesses. The green efforts are weighted towards increased recycling. This effort further supports the City's overall goals.

Overview of the Options CalRecycle has Regarding Compliance Orders

Determination of Completion

Once a jurisdiction has reported full implementation of all of the conditions and terms of a Compliance Order, CalRecycle has the following general responsibilities regarding the consideration of the completion of the Compliance Order:

CalRecycle shall hold a public hearing to determine whether or not the jurisdiction has fully implemented the Compliance Order (PRC Section 41850(a)). This includes, but is not limited to, determining if the jurisdiction has done the following:

- Made a good faith effort to fully implement all of its Local Assistance Plan and Source Reduction and Recycling Element selected programs (PRC Section 41850(b)); and
- Met the diversion requirements of PRC Section 41780 (PRC Section 41850(b)).

Penalty Structure

CalRecycle may impose fines only after a jurisdiction fails to adhere to the Compliance Order and or schedule requirements. Fines may be levied according to the cause of failure to adequately implement a Source Reduction and Recycling Element and/or Household Hazardous Waste Element; staff would recommend to CalRecycle an appropriate level of penalty based on the criteria listed below.

1. "Serious" failure includes a jurisdiction that fails to implement its Source Reduction and Recycling Element or Household Hazardous Waste Element without reason or justification. The fine recommended for this type of violation would be no less than \$5,000 and up to the maximum \$10,000 per day.
2. "Moderate" failure includes a jurisdiction that fails to implement its Source Reduction and Recycling Element or Household Hazardous Waste Element due to mitigating circumstances that have no bearing on natural disasters, budgetary constraints and work stoppages. Mitigating circumstances would be determined on a case-by-case basis by CalRecycle. The fine recommended for this type of violation would be \$1,000 to \$5,000 per day.
3. "Minor" failure includes a jurisdiction that has implemented some or all programs, but has failed to meet the diversion requirements to some extent. Fines will be based on information provided by the jurisdiction and on statutory relief considerations.

A jurisdiction may only be fined after failing to adhere to the Compliance Order and schedule. Fines will continue until a jurisdiction has implemented the programs as outlined in the Compliance Order.

Notwithstanding the above penalty structure, if CalRecycle determines, on a case-by-case basis, that a jurisdiction demonstrates that it has made a good faith effort to implement its Source Reduction and Recycling Element and/or Household Hazardous Waste Element, including achieving the diversion requirements, CalRecycle shall not impose penalties.

VII. ATTACHMENTS

1. Original Compliance Order IWMA BR07-07
2. Modified Compliance Order IWMA BR07-07
3. Site Visit Photo Report
4. Revised and Amended Local Assistance Plan (LAP)
5. City of Ridgecrest Waste Diversion Program and Diversion Rate Summary
6. Request for Action for the Removal of Compliance Order IWMA BR07-07

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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